



1618
IFW

**U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE**

INFORMATION DISCLOSURE STATEMENT		Docket Number: 1662/53002	
Application Number 09/887,204	Filing Date June 22, 2001	Examiner FUBARA, Blessing M.	Art Unit 1618
Invention Title RAPIDLY EXPANDING COMPOSITION FOR GASTRIC RETENTION AND CONTROLLED RELEASE OF THERAPEUTIC AGENTS, AND DOSAGE FORMS INCLUDING THE COMPOSITION		Inventors Moshe FLASHNER-BARAK et al.	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date: April 12, 2007

Signature: Georgia Galanis

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). The paragraphs marked below are applicable. It is believed that no fees other than those indicated below are due, but authorization is hereby given to charge any additional fees due, or to credit any overpayment, to **Kenyon & Kenyon LLP, deposit account 11-0600**.

☒ 1. This Information Disclosure Statement is being filed (a) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d), (b) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, (c) before the mailing date of a first Office Action on the merits in the present application, OR (d) before the mailing of a first office action after filing of a request for continued examination. No certification or fee is required.

☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a final action, Notice of Allowance, or any action that otherwise closes prosecution.

- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).
- ☐ c. Please debit **Kenyon & Kenyon LLP, Deposit Account No. 11-0600** in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 CFR §1.97(c)(2).
- ☐ 3. This Information Disclosure Statement is being filed after the mailing date of a final action, Notice of Allowance or an action that otherwise closes prosecution, but before payment of the Issue Fee. Applicant(s) hereby request(s) that the Information Disclosure Statement be considered. Please debit **Kenyon & Kenyon LLP, Deposit Account No. 11-0600** in the amount of \$180.00 in payment of the petition fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in any counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).
- ☐ 4. Relevance of the non-English language reference(s) is discussed in the present specification.
- ☐ 5. The references were cited in office actions in counterpart foreign applications. English language version of the foreign corresponding foreign office actions and responses thereto are attached for the Examiner's information.
- ☐ 6. A concise explanation of the relevance of the non-English language reference(s) appear(s) in the Appendix attached hereto.
- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. (insert no.), filed (insert date), which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination of the present application.

- ☐ 8. This application is one of a series of related applications, identified in the attached Appendix, which are directed to related technical subject matter. The identification of those U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during the examination.
- ☐ 9. The reference(s) was/were cited by or submitted to the Office in parent application no. (insert no.), filed (insert date), which is relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these references are not attached (37 CFR §1.98(d)).
- ☐ 10. English-language Abstracts of the non-English language references are attached hereto.
- ☐ 11. Since this application was filed after June 30, 2003, copies of U.S. references are not included.
- ☐ 12. Other. The references cited herein were cited in an International Search Report of _____ provided herewith.

Respectfully submitted,

Date: *April 12, 2007*

Gina R. Gencarelli
Gina R. Gencarelli (Reg. No. 59,729)
KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)
CUSTOMER NUMBER 26646



**U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE**

**INFORMATION DISCLOSURE
STATEMENT**

Docket Number:
1662/53002

Application Number
09/887,204

Filing Date
June 22, 2001

Examiner
FUBARA,
Blessing M.

Art Unit
1618

Invention Title

RAPIDLY EXPANDING COMPOSITION FOR
GASTRIC RETENTION AND CONTROLLED
RELEASE OF THERAPEUTIC AGENTS, AND
DOSAGE FORMS INCLUDING THE
COMPOSITION

Inventors
Moshe FLASHNER-BARAK et al.

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this correspondence is being deposited with
the United States Postal Service with sufficient postage as first
class mail in an envelope addressed to: Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

Date:

April 12, 2007

Signature:

Georgia Galanis

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). The paragraphs marked below are applicable. It is believed that no fees other than those indicated below are due, but authorization is hereby given to charge any additional fees due, or to credit any overpayment, to **Kenyon & Kenyon LLP, deposit account 11-0600**.

☒ 1. This Information Disclosure Statement is being filed (a) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. § 1.53(d), (b) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, (c) before the mailing date of a first Office Action on the merits in the present application, OR (d) before the mailing of a first office action after filing of a request for continued examination. No certification or fee is required.

☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a final action, Notice of Allowance, or any action that otherwise closes prosecution.

- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).
- ☐ c. Please debit **Kenyon & Kenyon LLP, Deposit Account No. 11-0600** in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 CFR §1.97(c)(2).
- ☐ 3. This Information Disclosure Statement is being filed after the mailing date of a final action, Notice of Allowance or an action that otherwise closes prosecution, but before payment of the Issue Fee. Applicant(s) hereby request(s) that the Information Disclosure Statement be considered. Please debit **Kenyon & Kenyon LLP, Deposit Account No. 11-0600** in the amount of \$180.00 in payment of the petition fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.
- ☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in any counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
- ☐ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).
- ☐ 4. Relevance of the non-English language reference(s) is discussed in the present specification.
- ☐ 5. The references were cited in office actions in counterpart foreign applications. English language version of the foreign corresponding foreign office actions and responses thereto are attached for the Examiner's information.
- ☐ 6. A concise explanation of the relevance of the non-English language reference(s) appear(s) in the Appendix attached hereto.
- ☐ 7. The Examiner's attention is directed to co-pending U.S. Patent Application No. (insert no.), filed (insert date), which is directed to related technical subject matter. The identification of this U.S. Patent Application is not to be construed as a waiver of secrecy as to that application now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited application and the art cited therein during examination of the present application.

☐ 8. This application is one of a series of related applications, identified in the attached Appendix, which are directed to related technical subject matter. The identification of those U.S. Patent Applications is not to be construed as a waiver of secrecy as to those applications now or upon issuance of the present application as a patent. The Examiner is respectfully requested to consider the cited applications and the art cited therein during the examination.

☐ 9. The reference(s) was/were cited by or submitted to the Office in parent application no. (insert no.), filed (insert date), which is relied upon for an earlier filing date under 35 U.S.C. §120. Thus, copies of these references are not attached (37 CFR §1.98(d)).

☐ 10. English-language Abstracts of the non-English language references are attached hereto.

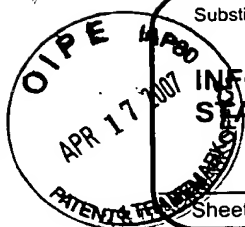
☐ 11. Since this application was filed after June 30, 2003, copies of U.S. references are not included.

☐ 12. Other. The references cited herein were cited in an International Search Report of _____ provided herewith.

Respectfully submitted,

Date: *April 12, 2007*

Gina R. Gencarelli
Gina R. Gencarelli (Reg. No. 59,729)
KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)
CUSTOMER NUMBER 26646



Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Sheet 1 of 1

Complete if Known

Application Number	09/887,204
Filing Date	June 22, 2001
First Named Inventor	M. FLASHNER-BARAK et al.
Art Unit	1615
Examiner Name	BLESSING M. FUBARA
Attorney Docket Number	01662/53002

U.S. PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number - Kind Code ² (if known)			
		6,930,129	08-16-2005	Alza Corp.	
		6,348,211	02-19-2002	Noven Pharm. Inc.	
		6,344,215	02-05-2002	Eurand America Inc.	
		6,635,284	10-21-2003	Celegene Corp.	
		6,673,367	01-06-2004	Euro-Celtique, SA	
		6,919,373	07-19-2005	Alza Corp.	
		5,958,446	09-28-1999	Noven Pharm. Inc.	
		6,210,705	04-03-2001	Noven Pharm. Inc.	
		7,083,808	08-01-2006	Euro-Celtique SA	
		6,419,960	07-16-2002	Euro-Celtique SA	
		6,368,626	04-09-2002	Alza Corp.	
		6,352,721	03-05-2002	Osmotica Corp.	
		5,874,090	02-23-1999	Medeva Europe Ltd.	
		4,983,400	01-08-1991	Merck & Co, Inc.	
		5,443,843	08-22-1995	Pfizer	
		5,603,955	02-18-1997	Univ. of Cincinnati	
		6,589,549	07-08-2003	Macromed, Inc.	
		5,972,389	10-26-1999	DepoMed, Inc.	
		4,642,233	02-10-1987	Alza Corp.	
		4,717,713	01-05-1988	Research Corp.	
		2002/0044962	04-18-2002	S. Rao Cherukuri, et al.	
		2002/0044960	04-18-2002	S. Rao Cherukuri	
		2002/0035357	03-21-2002	J. Faour, et al.	
		2002/0136744	09-26-2002	Merck & Co., Inc.	

FOREIGN PATENT DOCUMENTS

Examiner Initials *	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ - Number ⁴ - Kind Code ⁵ (if known)				
		WO 05/042101	05-12-2005	Teva Pharm. Indus. Ltd.		
		WO 96/29055	09-26-1996	The Boots Co. PLC		
		WO 92/09307	06-11-1992	Kabi Pharmacia AB		

Examiner
SignatureDate
Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.